

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ELAINE D. MALINOWSKI, individually,
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION and
JOHNSON & JOHNSON HEALTH
CARE SYSTEMS, INC.,

Defendant.

Case No. 7:23-cv-08421

STIPULATION AND [PROPOSED] ORDER

WHEREAS the two actions, *Malinowski v. Int'l Business Machines Corp. et al.*, No. 7:23-cv-08421, and *Pettiford v. Int'l Business Machines Corp. et al.*, No. 7:23-cv-08517 are related, stemming from the same alleged incident, and present common questions of law and fact;

WHEREAS Federal Rule of Civil Procedure 42(a) provides that the Court may order that actions be joined or consolidated in whole or in part if they involve “a common question of law or fact,” Fed. R. Civ. P. 42(a);

WHEREAS the parties in both matters have conferred and jointly request that the Related Actions be consolidated;

IT IS ACCORDINGLY STIPULATED AND AGREED that:

- The Related Actions will be consolidated.
- Within 14 days of consolidation of both cases, the parties will file with the Court a case schedule that sets forth deadlines for an amended, consolidated complaint; Defendants’ responsive pleading; and appointment of interim lead class counsel.

//

//

Dated: September 29, 2023

By: /s/ Daniel Srourian

Daniel Srourian, Esq.*
SROURIAN LAW FIRM, P.C.
3435 Wilshire Blvd., Suite 1710
Los Angeles, California 90010
Telephone: (213) 474-3800
Facsimile: (213) 471-4160
Email: daniel@slfla.com

**Pro Hac Vice Application Forthcoming*

By: /s/ Andrew Shamis

Andrew J. Shamis
SHAMIS & GENTILE, P.A.
New York Bar No. 037343
14 NE 1st Avenue, Suite 400
Miami, FL 33132
Telephone: 305-479-2299
ashamis@shamisgentile.com

IT IS SO ORDERED this ____ day of _____, 2023

The Hon. Lewis A. Kaplan
United States District Judge